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CC Do. No.
93-22

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

October 24, 1994

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IN REPLY REFER TO:

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OCT 24 1994

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

The Honorable William Clay
Member, House of Representatives
Attention: Patricia Green
49 Central City Shopping
Center N
St. Louis, MO 63136

Dear Congressman Clay:

This letter responds to your correspondence on behalf of Marie Morton regarding charges on her telephone bill and relating to information services provided on 800 numbers. Your letter, as well as the complaint of your constituent, has been referred to the Enforcement Division of the Common Carrier Bureau for review. The Enforcement Division will communicate with your constituent upon completion of its review.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

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complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M.H. Wallman", written in a cursive style.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosure

Congress of the United States

House of Representatives

Washington, D.C.

August 19,, 19.....

F. C. C.
1919 M Street, N. W.
Washington, DC 20554

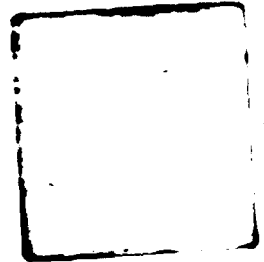
Sir/Madam:

The attached communication is sent for your consideration. Please investigate the statements contained therein and forward me the necessary information for reply, returning the enclosed correspondence with your answer.

Yours truly,

Patricia Green

Patricia Green
Staff Associate TO:
Hon. William L. Clay M.C.
1st. Congressional Dist. MO
49 Central City Shoppi br. M.
St. Louis, MO 63106



5955 FERRIS
ST. LOUIS MO.
AUGUST 9th 1994

CONGRESSMAN
WILLIAM L. CLAY SR
49 CENTRAL CITY
ST. LOUIS MO. 63136

AUG 19 1994

CONGRESSMAN, I NEED YOUR HELP
TO RESOLVE TELEPHONE BILLS
CHARGED TO MY NUMBER. I
AM INCLOSING COPIES OF SAME.

I HAVE CALLED SOUTHWESTERN BELL
AND AT&T TO NO SATISFACTION. AT&T
LIST CALLS TO THEM THROUGH OTHER
CARRIERS. SOUTHWESTERN BELL SAYS
THEY LIST BILLS SENT TO THEM.

I ALSO CALLED NUMBER FROM
NUMBER CHARGED TALKED TO PERSON
LISTED ON BILL. WAS ASSURED THE
WOULD INVESTIGATE. THIS IS A
1-800-NUMBER THEY ADVERTISE.
AT&T SAYS NOT SO. CALLER
HAS TO GO THROUGH AT&T. TO
BE GIVEN ACCESS TO SAME 1-800
NUMBER. THIS WAS TO BE CHARGED
TO CREDIT CARD. I DONT THINK

II
Any SUCH INVESTIGATION WAS MADE. I
HAVE ~~RECENTLY~~ CALLED NUMBER LISTED, TO
BE TOLD NO RECORD WAS REPORTED OF MY
CALLS. I AM UPSET BECAUSE MY HUSBAND
AND ME ARE ON FIXED INCOME. I ALSO
CHECKED DATE AND TIMES CALLS WERE RE-
CORDED. I WAS HOME IN FULL VIEW OF
TELEPHONE. I HAD NO VISITORS. I AM
SURE MY HUSBAND DID NOT CALL ANY
SUCH NUMBER NOR MYSELF. THIS NUMBER
CHARGED, IS LISTED TO MARY CUREY MY AUNT.
BUT I HAVE ALWAYS PAID ALL BILLS.

THANK YOU FOR ANY HELP YOU CAN
PROVIDE.

SINCERELY
Marie Morton
MARIE MORTON



ACCT NUMBER 314 381 0374 728 3
MAY 27, 1994
DETAIL OF CHARGES PAGE 7

AT&T Invoice Charges For Period Ending MAY 20, 1994

ITEMIZED CALLS FOR AT&T

NO	DATE	TIME	PLACE CALLED	AREA NUMBER	*	MIN	AMOUNT
1	5 12	543PM	NEW YORK NY	212 688 0711	E	1.0	.16
2	5 12	548PM	NEW YORK NY	212 688 0711	E	1.0	.16
3	5 12	552PM	NEW YORK NY	212 486 6508	E	1.0	.16

TOTAL ITEMIZED CALLS FOR AT&T

0.48

CHARGES BEFORE TAXES FOR AT&T

0.48

TAXES FOR AT&T

4 FEDERAL TAX @ 3%

0.01

TOTAL TAXES FOR AT&T

0.01

LESLIE

See Reverse

THANK YOU FOR PAYING BY MAIL



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DETAIL OF CHARGES PAGE 9

STATEMENT OF CHARGES FOR INFOACCESS INC.
ITEMIZED CALLS (SEE DETAIL)

	53.80
CHARGES BEFORE TAXES	53.80
FEDERAL TAX	1.61
STATE AND LOCAL TAXES	.00
TOTAL	55.41

INFOACCESS INC. BILLING INQUIRIES 1-800-645-8838

ITEMIZED CALLS FOR INFOACCESS INC.

NO	DATE	TIME	PLACE CALLED	AREA	NUMBER	* MIN	AMOUNT
1	5-12	549PM	NETWORK CLS			EC- 3.9	
			CR CARD FROM ST LOUIS MO	314	381 0374		30.00
			ACCESS TO	800	806 7787		

THANK YOU FOR PAYING BY MAIL



ACCT NUMBER 314 381 0374 728 3
MAY 27, 1994
DETAIL OF CHARGES

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NO	DATE	TIME	PLACE CALLED	AREA	NUMBER	* MIN	AMOUNT
2	5 12	551PM	AMERCALL PAD			EC 4.8	
			CR CARD FROM ST LOUIS MO	314	381 0374		23.80
			ACCESS TO	800	925 1357		

AL ITENIZED CALLS FOR INFOACCESS INC.

53.80

1800 - 568-3197
MICHAEL COLON

See P. verso

THANK YOU FOR PAYING BY MAIL